REMARKS

This amendment is submitted in response to the Examiner's Action dated October 5, 2007. Applicants have amended the claims to clarify or more completely recite several features of the claimed invention. No new matter has been added, and the amendments place the claims in better condition for allowance. Applicants respectfully request entry of the amendments to the claims. The discussion/arguments provided below reference the claims in their amended form.

Applicants are not conceding in this application that the independent claims and their dependent claims, as originally presented, are not patentable over the art cited by the Examiner. The present claim amendments are only for facilitating expeditious prosecution of subject matter that Applicant believes is allowable over the combinations of references. Applicants respectfully reserve the right to pursue these original claims and other claims in one or more continuations and/or divisional patent applications.

CLAIM REJECTIONS UNDER 35 U.S.C. § 103

On page 2 of the present Office Action, Claims 1, 4, 5, 6, 9-10, 13-15, 18-19, 22, 24 and 27 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Cohen* (U.S. Pat. No. 5,881,315) in view of *Reed et al.* (U.S. Pat. No. 6,345,288). On page 6 of the present Office Action, Claims 3, 12 and 21 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Cohen* in view of *Reed et al.* and further in view of *Arslan* (Event Library: and object oriented library for event-driven design). On page 7 of the present Office Action, Claims 7-8, 16-17 and 25-26 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Cohen* in view of *Reed* and further in view of *Feridun et al.* (U.S. Pat. No. 6,336,139).

Appellants assert that none of the above combinations of references render Appellants' claimed invention unpatentable because (1) those combinations fail to suggest several of the elements recited by Applicants' claims. Additionally, (2) at the time of Appellants' invention, one skilled in the art would not find Applicants' claimed subject matter to be suggested by any of the combinations of references. Applicants now submit substantive arguments (in line with current legal and statutory premises) to support these two positions.

General requirements for a claim rejection under 35 U.S.C. § 103

According to 35 U.S.C. §103(a):

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

In order to make the obviousness determination, the U.S. Supreme Court held in Graham v. John Deere Co., 383 U.S. 1 (1966) (hereinafter *John Deere*) that three factors must be considered:

(1)   the scope and content of the pertinent prior art;
(2)   differences between the pertinent prior art and the invention at issue; and
(3)   the ordinary level of skill in the pertinent art.

In KSR Intern. Co. v. Teleflex, Inc., 127 S.Ct. 1727 (2007), the U.S. Supreme Court further upheld the standards set forth in *John Deere* by stating that: in determining obviousness, the factual inquiries in *John Deere* must still be considered. That is, first, the scope and content of the prior art must be determined; next, the differences between the claimed invention and the prior art must be ascertained; and finally, the question of obviousness must be addressed by resolving the level of ordinary skill in the pertinent art and determining whether or not such a person would come to the claimed invention by exercising ordinary creativity, common sense and logic.

Example Claim 1

In applying the above standards to Examiner's rejection of Applicants' independent Claim(s), Applicants note that the combination of *Cohen* and *Reed* does not render Applicants' claimed invention unpatentable because (1) that teachings and suggestions of the two references, taken individually and in combination fail to suggest the subject matter recited by Applicants' independent claims and (2) one skilled in the art would not have "come to the claimed invention" given the teachings of the combination. When these two *John Deere* requirements are evaluated against Applicants' Claim 1, it become clear that the combination fails to suggest to one skilled in the art any of the below listed elements and/or features of Applicants' independent claims:

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(1) generating a subscription object containing a primary identifier (ID) of a published data, wherein the primary ID is a separate parameter from a type and a format of data;

(2) providing within said subscription object an address of a node associated with the subscribing component, which generated said subscription object;

(3) in response to ... requesting a notification ..., registering said node within said communicating interface as requesting at least a notification of said published data; and

(4) in response to ... requesting a copy of the published data, registering ...requesting a copy of the published data; wherein said node receives a notification when a notification is desired and said node receives said published data when said published data is requested, ...; wherein, ... a response to the subscription object is ... published data with the primary ID ....

Neither *Cohen* or *Reed*, nor the combination of *Cohen* and *Reed* suggest the above listed features of Applicants' independent claim. *Cohen* generally teaches an "event management service (EMS)... includes a queueing mechanism for controlling passage of events through an event channel when multiple event consumers cannot consume events being generated ... [the queueing mechanism] includes an input queue... an active queue... and a consumer queue" (Abstract). The specific sections of *Cohen* recited by Examiner to support the rejection of the above claimed features are devoid of any teaching or suggestion of the above features. In fact, when those sections are read careful, it becomes evident that Examiner either misconstrues or misunderstands Applicants' claims or simply mischaracterizes the reference.

For example, col. 6, lines 33-38 and lines 47-49 of *Cohen* describes an "event type" and "event type format" referring specifically to the data that is produced by the publisher (published data) and NOT to the subscription object generated by the subscribing component. *Cohen* provides the following definition of "event" at col. 5, ll 38-41, which states "[a]n 'event' refers to the change of state of some managed resource and is embodiment in the data transmitted between an event supplier and EMS, and between EMS and one or more event consumers." Clearly, not only is the event NOT a subscription object, which is a requirement for the "event" to be suggestive of Applicants' subscription object, but, the event is also defined as being generated at and transmitted from the supplier to the EMS, then to the event consumer. Also, the event type format has a unique universal identifier, which again is not synonymous with or suggestive of Applicants' primary identifier (ID) that is not a "format" or "type" of data, but an actual identifier of the specific data.

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The deficiencies in *Cohen* with regards to the above claim element also extend to the other claim elements, such as the wherein clauses, which further define features of the subscription objects. Examiner again relies on a teaching of features related to the event, such as an "Event Log 42" to support the rejection of these features related to the subscription object. One skilled in the art would now find the *Cohen's* discussions of events, event filtering, and event logs to be suggestive of any of the features associated with the subscription object, as recited by Applicants' independent claims. For the above stated reasons, Applicants have traversed the rejection of the claims elements, which rejections rely on the mischaracterization of *Cohen*. Applicants' example Claim 1 and all claims dependent thereon are therefore allowable over the combination(s).   Applicants respectfully request Examiner provide a favorable disposition of these claims and extend a Notice of Allowance for all claims.

Example Claim 6

Applicants have amended Claim 6 to more completely recite the novel features of that claim. Claim 6, which depends from now allowable Claim 1, is also allowable by virtue of the dependency of Claim 6 to an allowable base claims. Additionally, however, the features recited by Applicants' Claim 6 are not taught nor suggested by any of the references individually or in combination and one skilled in the art would not find the features of Applicants' example Claim 6 to be suggested by the combination of references. As an example, noneof the references or combination thereof suggest the following claim elements:

(1) when said expression is a logical expression requiring a publication of two or more different data each having unique data type IDs in order to satisfy a part of the specific context:

(2) ...comparing the associated data type ID for two or more different published data against each unique data type ID within said logical expression; and

(3) providing the response ... only in response to each of said unique data type IDs within the logical expression matching a required two or more associated data type IDs for two or more different published data.

Clearly, logically ANDing filter expressions together cannot be considered as synonymous with or suggestive of the above claim elements. Col. 6, lines 62-62 and col. 7, lines 1-12, lines 40, 41-46 of *Cohen* are devoid of any suggestion of the above listed claim elements. For example, col. 7, lines 40-46 (beginning at lines 37) merely describe a parser protocol which "determines if all filters in the event filter group have been evaluated." Then, within each filter, "the routine looks at each filter expression, A test is then performed... to

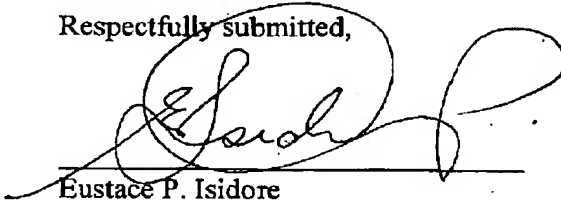AUS920030841US1   -12-   10/756,865

determine if all of the filter expressions within a particular filter are a predetermined condition, namely TRUE... passes the event to the RPC mechanism for delivery to the registered event consumer." Notably, this recitation is devoid of any teaching or suggestion of the use of two or more data type IDs that must match before published data meets a given selection criteria. Even given the specific teachings Applicants' claimed invention, one skilled in the art would not have been inclined to read the above section of *Cohen* as suggesting the specific implementation recited by Applicants' example Claim 6. Thus, the combination does not suggest the subject matter of Claim 6, and this claim is independently allowable over the combination. Applicants again request Examiner provide a favorable disposition of this claim by extending an allowance of the claim.

CONCLUSION

Applicants have diligently responded to the Office Action by amending the claims to more completely recite certain features of Applicants' claimed invention. Applicants have further provided arguments which explain why Applicants' claims are not obvious in light of the combinations of references. The amendments and arguments overcome the § 103 rejections, and Applicants respectfully request issuance of a Notice of Allowance for all claims now pending.

Applicants further respectfully requests the Examiner contact the undersigned attorney of record at 512.343.6116 if such would further or expedite the prosecution of the present Application.

Respectfully submitted,

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